

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

**IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION**

Case No. 13-MD-02420 YGR (DMR)

MDL NO. 2420

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**JUDGMENT OF DISMISSAL WITH
PREJUDICE AS TO SONY
DEFENDANTS**

1 Indirect Purchaser Plaintiffs (“IPPs”) and Interim Co-Lead Counsel have presented this
 2 matter before the Court to determine whether there is any cause not to approve the proposed
 3 settlement between IPPs and Sony Corporation, Sony Energy Devices Corporation, and Sony
 4 Electronics Inc.¹ (“Sony Settlement” or “Settlement”).

5 The Court, having carefully considering all papers filed and proceedings held herein,
 6 including IPPs’ Motions for Preliminary and Final Approval of the Class Action Settlement With
 7 Sony; the objections filed by Christopher Andrews, Kenya Brading, Vincent Lucas, Timothy
 8 Madden, Gordon Morgan, Sam A. Miorelli, and Patrick Sweeney; IPPs’ omnibus response to
 9 those objections; and the statements of counsel and the parties, and otherwise being fully
 10 informed, has determined as follows: (a) IPPs’ Motion for Final Approval of the Sony Settlement
 11 should be granted; (b) IPPs’ claims against Sony should be dismissed with prejudice; (c) the class
 12 claims and notice period shall run simultaneously with the claims period for the IPPs’ settlements
 13 with the LG Chem, Hitachi Maxell, and NEC defendants, and (d) IPPs’ plan of distribution should
 14 be approved. This Court further finds that that there is no just reason for delay of the entry of
 15 Final Judgment.

16 Accordingly, the Court directs entry of Final Judgment, which shall constitute a final
 17 adjudication of this case on the merits as to the parties to the Sony Settlement.

18 Good cause appearing therefore, it is:

19 **ORDERED, ADJUDGED, AND DECREED THAT:**

20 1. The Court has jurisdiction over the subject matter of this litigation, the Actions
 21 within this litigation, and the parties to the Sony Settlement, including all members of the
 22 Settlement Classes and Sony.
 23
 24
 25

26 ¹ Collectively, “Sony” or “Sony Defendants.”
 27
 28

2. For purposes of this Judgment, except as otherwise set forth herein, the Court adopts and incorporates the definitions contained in the Sony Settlement, attached hereto as Exhibit 1.

3. Those persons/entities identified in the list attached hereto as Exhibit 2 are validly excluded from the Class. Such persons/entities are not included in or bound by this Judgment. Such persons/entities are not entitled to any recovery of the settlement proceeds obtained in connection with the Sony Settlement.

4. The Court hereby grants IPPs' Motion for Final Approval of the Sony Settlement, and finds that the Sony Settlement is, in all respects, fair, reasonable, and adequate to the Settlement Classes pursuant to Rule 23 of the Federal Rules of Civil Procedure ("FCRP").

5. The Court hereby dismisses on the merits and with prejudice IPPs' claims against Sony, with each party to bear their own costs and attorneys' fees, except as provided in the Sony Settlement.

6. The Court hereby approves IPPs' plan of distribution.

7. All persons and entities who are Releasors under the terms of the Sony Settlement are hereby barred and enjoined from commencing, prosecuting, or continuing, either directly or indirectly, any claim against the Sony Releasees in this or any other jurisdiction arising out of, or related to, any of the Released Claims. *See* Exhibit 1 at A. 1(z), (aa), and (bb).

8. The Sony Releasees are hereby and forever released from all Released Claims as defined in the Sony Settlement. *Id.*


9. Without affecting the finality of this Judgment in any way, this Court hereby retains continuing jurisdiction over: (a) implementation of the Sony Settlement and any distribution to the Settlement Classes pursuant to further orders of this Court; (b) disposition of the Gross Settlement Fund; (c) hearing and determining applications by IPPs for attorneys' fees, costs, expenses, and interest; (d) the Actions, until the Final Judgment has become effective and each and every act agreed to be performed by the parties under the terms of the Sony Settlement have been performed; (e) hearing and ruling on any matters relating to the plan of allocation of Sony

1 Settlement proceeds; and (f) the parties to the Sony Settlement for the purpose of enforcing and
2 administering the Settlement, and the mutual releases contemplated by, or executed in connection
3 with, the Settlement.

4 10. The Court finds, pursuant to FRCP Rules 54(a) and (b), that Final Judgment should
5 be entered, and further finds that there is no just reason for delay in the entry of Final Judgment, as
6 to the parties to the Sony Settlement. Accordingly, the Clerk is hereby directed to enter Final
7 Judgment forthwith for Sony.

8 **IT IS SO ORDERED.**

9 Dated: March 20, 2017

10 
11 Hon. Yvonne Gonzalez Rogers
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28